

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMIE L. WATERS,

Plaintiff,

vs.

Case No. 04-CV-73199
HON. GEORGE CARAM STEEH

EDWARD POHANKA, et al.,

Defendants.

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ORDER STRIKING DEFENDANTS' SEPTEMBER 1, 2005
MOTION FOR SUMMARY JUDGMENT (#21)

Defendants Edward Pohanka, Pollard Highway Products, Ltd., and Ryder Truck Rental Canada, Ltd., filed a September 1, 2005 motion for summary judgment as to plaintiff Jimmie Walters' personal injury claims arising from a Michigan motor vehicle accident involving defendant Pohanka, who was driving a motor vehicle owned and/or leased by the defendants Pollard and Ryder. By Order of December 2, 2004, the dispositive motion cutoff date was July 6, 2005. Defendants' September 1, 2005 motion for summary judgment thus violates the court's December 2, 2004 Scheduling Order. Accordingly, and pursuant to Federal Rules of Civil Procedure 16(f) and 37(b)(2)(C),

Defendants' September 1, 2005 motion for summary judgment is hereby STRICKEN.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: September 6, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on September 6, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk